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EXAMINER
SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/527,313	PIETRASZAK ET AL.
Office Action Summary	Examiner	Art Unit	
	James Sheleheda	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _26 August 2004_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _45 and 47-74_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) _45,47-55,71 and 72_ is/are allowed.

6) ☒ Claim(s) _56-70,73 and 74_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 56, 60-64 and 67-70 are rejected under 35 U.S.C. 102(e) as being

anticipated by Proehl et al. (Proehl) (6577,350).

As to claim 56, Proehl discloses in a system having one or more applications

(Fig. 2), a method for managing electronic program guide (EPG) data received from one

or more EPG data providers (column 1, lines 43-57) comprising the acts of:

receiving EPG data from one or more EPG data providers (EPG data from a

satellite provider; column 3, lines 31-44);

scaling the receiving EPG data both temporally and selectively (through use of a

zoom function; column 7, lines 4-18; Fig. 10), wherein temporal scaling includes

selecting an adjustable and user-definable time period for which the collected EPG (Fig.

10; wherein the user can zoom to increase or decrease the programming time period

displayed; column 7, lines 13-23) will be stored (wherein selected EPG data to be

displayed is stored in DRAM, 25a for subsequent output; column 4, lines 32-44) and

wherein selective scaling includes selecting a variable and customizable level of

richness (wherein the user can zoom in/out to display more or less channels and

programs; Fig. 10, column 7, lines 8-23 and lines 34-50) for which a variable amount of

the collected EPG data (dependent upon the current zoom level; Fig. 10, column 7,

lines 8-23 and lines 34-50) will be stored (wherein selected EPG data to be displayed is

stored in DRAM, 25a for subsequent output; column 4, lines 32-44) corresponding to

one or more selected channels (EPG data corresponding to the currently selected

channels to be displayed in the zoomed EPG; Fig. 10, column 7, lines 13-23); and

writing the scaled EPG data into a storage (Fig. 2, DRAM, 25a) associated with

the system (storing the selected EPG data in DRAM, 25a for subsequent display output;

column 4, lines 32-44).

As to claim 64, Proehl discloses a computer program product (Fig. 2) for use in a

system having one or more applications, the computer program product for

implementing a method for managing electronic program guide (EPG) data received

from one or more EPG data providers (column 1, lines 43-57), the computer program

product comprising one or more computer-readable media (ROM, 37) having thereon

computer executable instructions (code controlling the EPG system; column 4, lines 18-

23) that, when executed by one or more processors of the system (CPU, 29), cause the

system to perform the following:

detecting receipt of EPG data from one or more EPG data providers (EPG data

from a satellite provider; column 3, lines 31-44);

scaling the receiving EPG data both temporally and selectively (through use of a

zoom function; column 7, lines 4-18; Fig. 10), wherein temporal scaling includes

selecting an adjustable and user-definable time period for which the collected EPG (Fig.

10; wherein the user can zoom to increase or decrease the programming time period

displayed; column 7, lines 13-23) will be stored (wherein selected EPG data to be

displayed is stored in DRAM, 25a for subsequent output; column 4, lines 32-44) and

wherein selective scaling includes selecting a variable and customizable level of

richness (wherein the user can zoom in/out to display more or less channels and

programs; Fig. 10, column 7, lines 8-23 and lines 34-50) for which a variable amount of

the collected EPG data (dependent upon the current zoom level; Fig. 10, column 7,

lines 8-23 and lines 34-50) will be stored (wherein selected EPG data to be displayed is

stored in DRAM, 25a for subsequent output; column 4, lines 32-44) corresponding to

one or more selected channels (EPG data corresponding to the currently selected

channels to be displayed in the zoomed EPG; Fig. 10, column 7, lines 13-23); and

writing the scaled EPG data into a storage (Fig. 2, DRAM, 25a) associated with

the system (storing the selected EPG data in DRAM, 25a for subsequent display output;

column 4, lines 32-44).

As to claims 60 and 67, Proehl discloses wherein the act of scaling the EPG data

further comprises an act of selectively scaling the EPG data according to time (Fig. 10;

wherein the user can zoom to increase or decrease the programming time period

displayed; column 7, lines 13-23).

As to claims 61 and 68, Proehl discloses an act of limiting the amount of scaled

EPG data that may be placed in the storage (wherein the amount of EPG data scaled

and stored into DRAM, 25a is inherently limited by the size of the memory; column 4,

lines 40-44).

As to claims 62 and 69, Proehl discloses an act of removing expired EPG data

from the storage (wherein upon user selection of broadcast and EPG information, data

is retrieved and forwarded to DRAM, 25a for display thus removing the now expired and

undesired data; column 4, lines 32-44).

As to claims 63 and 70, Proehl discloses an act of accessing, for the one or more

applications (code controlling CPU, 29 and the system; column 4, lines 40-44), the EPG

data in the storage (outputting the EPG data from DRAM, 25a for display; column 4,

lines 40-44).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 57-59, 65 and 66 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Proehl as applied to claims 56 and 64 above, and further in view of

Usui et al. (Usui) (6,075,570) (of record).

As to claims 57 and 65, while Proehl discloses the act of receiving EPG data, he

fails to specifically disclose receiving EPG data from a plurality of EPG data providers in

a plurality of different formats, the method further comprising reformatting the received

EPG data into a standardized format compatible with the system, wherein the act of

receiving EPG data from a plurality of EPG data providers in a plurality of different

formats comprises the following:

an act of receiving EPG data from a first EPG data provider using a first loader

module; and

an act of receiving EPG data from a second EPG data provider using a second

loader module.

In an analogous art, Usui discloses AV system (Fig. 1, column 3, lines 30-36)

which will receive EPG data from a plurality of EPG data providers (IRD, 4 and TV

receiver, 5; column 10, lines 30-42 and lines 49-56) in a plurality of different formats

(Fig. 8, column 10, lines 43-48 and lines 57-63), the method further comprising

reformatting the received EPG data into a standardized format compatible with the

system (Fig. 8, column 10, lines 43-48 and lines 57-63), wherein the act of receiving

EPG data from a plurality of EPG data providers in a plurality of different formats

comprises the following:

an act of receiving EPG data from a first EPG data provider using loader module (wherein some loader module is inherently present to perform the steps of Fig. 8, such as selecting equipment and requesting, converting and storing data); and

an act of receiving EPG data from a second EPG data provider using a loader module (wherein some loader module is inherently present to perform the steps of Fig. 8, such as selecting equipment and requesting, converting and storing data) for the typical benefit of allowing EPG data from multiple sources to be received and easily and quickly accessed by a user (column 10, lines 9-13 and column 11, lines 36-43).

Additionally, as previously cited and uncontested by applicant, examiner takes Official Notice that is it well known in the art to create an instance of a module to interface with applications, such as in programming language using object-oriented architecture, for the benefits of providing a flexible, re-programmable environment. This applies to not only providing separate loader modules, but also to any "module" or C++ type class that allows easy adaptation of a system using object oriented techniques such as inheritance, polymorphism, etc.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Proehl's system to include receiving EPG data from a plurality of EPG data providers in a plurality of different formats, the method further comprising reformatting the received EPG data into a standardized format compatible with the system, wherein the act of receiving EPG data from a plurality of EPG data providers in a plurality of different formats comprises the following:

an act of receiving EPG data from a first EPG data provider using a module; and

an act of receiving EPG data from a second EPG data provider using a loader

module, as taught by Usui, for the typical benefit of allowing EPG data from multiple

sources to be received and easily and quickly accessed by a user.

Additionally, it would have been obvious to one of ordinary skill in the art at the

time of invention by applicant to modify Proehl's system to include using a first and

second loader module to receive the first and second EPG data for the benefits of

providing a flexible, re-programmable environment.

As to claims 58 and 66, Proehl and Usui disclose an act of implementing conflict

resolution for the first and second loader modules (as indicated in the use of separate

loader modules above and further by comparing broadcast names and programs from

sources to determine if the programs need to be preserved as different pieces of

information, or if they are the same; see Usui at column 11, lines 23-35).

As to claim 59, Proehl and Usui disclose wherein the first and second loader

modules follow a priority scheme (with a step of making a selection as to which

receiving equipment to select, seen in Fig.7, step S21. As seen in Fig. 6, a user may

select the EPG category to be received and displayed using equipment button 244.

This then causes controller 204 to implement a selection for receiving, integrating, and

displaying EPG data utilizing the processes seen in Figs.7 and 8).

5.   Claims 73 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Proehl as applied to claims 56 and 64 above, and further in view of Durden et al.

(Durden) (6,157,411) (of record).

As to claims 73 and 74, while Proehl discloses scaling the EPG data, he fails to

specifically disclose wherein EPG data corresponding to more impending broadcast

times being richer then than EPG data corresponding to less impending broadcast

times.

In an analogous art, Durden discloses a system (Fig. 3) wherein EPG data is

scaled such that more impending broadcast times are richer then the EPG data

corresponding to less impending broadcast times (full EIT versus sparse EIT; see Fig.

2, column 2, lines 41-60) for the typical benefit of providing a user with information

pertaining to a longer period of time (column 1, lines 51-60).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Proehl's system to include wherein EPG data

corresponding to more impending broadcast times being richer then than EPG data

corresponding to less impending broadcast times, as taught by Durden, for the typical

benefit of providing a user with information pertaining to a longer period of time.

Response to Arguments

6.   Applicant's arguments with respect to claims 56-70, 73 and 74 have been

considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

7.   The following is a statement of reasons for the indication of allowable subject

matter:

Claims 45-55, 71 and 72 are allowable because the prior art fails to teach or

disclose a system for receiving electronic program guide data from one or more EPG

data providers in a plurality of data formats and for providing that data in a standardized

format, comprising:

an EPG services module for receiving EPG data and providing consolidated EPG

data in a standardized format to one or more applications, the EPG services module

comprising:

a separate EPG loader module for each EPG data source, each EPG loader

module configured to receive EPG data in a native format and convert the received

EPG data into a standardized format;

an EPG writer module logically connected to each EPG loader module with

instructions for

collecting the EPG data in a standardized format;

scaling the collected EPG data both temporally and selectively, wherein

temporal scaling includes selecting an adjustable and user-definable time period

for which the collected EPG data will be stored, and wherein selective scaling

includes selecting a variable and customizable level of richness for which a

variable amount of the collected EPG data will be stored corresponding to one or

more selected channels; and

writing the scaled EPG data to a storage; and

an EPG control module having executable instructions for

receiving requests for EPG data from the one or more applications;

retrieving the EPG data responsive to the request from the storage; and

returning the requested EPG data to the one or more applications; and

an application program interface to provide a standardized interface

between the EPG control module and the one or more applications requiring EPG

data,

such that the system can be readily modified to add or remove data providers or

accommodate changes in the formats of the EPG data without having to modify or

update code of the applications.

A background search found similar prior art, however, not completely as claimed.

For example, Usui et al. (6,075,570) discloses a wherein received EPG data is

scaled according to user adjustable and user definable factors (column 9, lines 10-25).

Usui fails, however, to disclose scaling the collected EPG data both temporally and

selectively, wherein temporal scaling includes selecting an adjustable and user-

definable time period for which the collected EPG data will be stored, and wherein

selective scaling includes selecting a variable and customizable level of richness for

which a variable amount of the collected EPG data will be stored corresponding to one

or more selected channels.

Proehl et al. (6,577,350) discloses scaling the collected EPG data both

temporally and selectively to be stored **for display.** Proehl fails, however, to disclose

an EPG control module having executable instructions for

receiving requests for EPG data from the one or more applications;

retrieving the EPG data responsive to the request from the storage; and

returning the requested EPG data to the one or more applications; and

an application program interface to provide a standardized interface between the

EPG control module and the one or more applications requiring EPG data.

Durden et al. (6,442,756) discloses a wherein received EPG data is scaled

corresponding to more impending broadcast times being richer then than EPG data

corresponding to less impending broadcast times. Durden fails, however, to disclose

wherein the scaling is variable and customizable.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

9.   The following are suggested formats for either a Certificate of Mailing or
Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with
all correspondence concerning this application or proceeding to establish a date of
mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in
such communication being considered as timely if the established date is within the
required period for reply. The Certificate should be signed by the individual actually
depositing or transmitting the correspondence or by an individual who, upon information
and belief, expects the correspondence to be mailed or transmitted in the normal course
of business by another no later than the date indicated.

Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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